



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2401032
Applicant Name: Ron Wright, Ron Wright & Associates
For Gemma & Russ Daggatt, Lee's Moorage
Address of Proposal: 933 N. Northlake Way

SUMMARY OF PROPOSED ACTION

Shoreline substantial development permit for future construction of a 3-story addition to an existing parking structure located above water. The proposed structure would include 763 sq.ft. caretaker's quarters accessory to the existing commercial moorage, a 1,757 sq.ft. storage space accessory to the floating home moorage, and 12 parking spaces, also accessory to the floating home moorage.

The following approvals are required:

Shoreline Substantial Development Permit – To allow construction in an Urban Stable (US) shoreline environment, SMC [23.60.020](#).

Shoreline Conditional Use – To expand an existing floating home moorage in an Urban Stable (US) shoreline environment, SMC [23.60.604 A3](#).

SEPA - Environmental Determination – SMC Chapter [25.05](#), to construct a parking platform over water.

SEPA DETERMINATIONS: ☐ Exempt ☒ DNS¹ ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

¹ Early DNS published April 15, 2004.

BACKGROUND DATA

Site and Vicinity Description

The site is located on the north shore of Lake Union in the Fremont neighborhood, on the south side of North Northlake Way, between the Aurora Bridge and Stone Way N.

The site is occupied by a commercial boat moorage, a nonconforming floating home moorage (Lee's moorage, a condominium), and a parking platform located on piling, partially over water. Virtually all of the site is either slightly above or on the water, located about 10' below the street level. Pedestrian access is via a wooden staircase and ramp that wraps the site's northeast corner. Vehicle access is via an easement through the parking level of an adjacent structure to the west.

Surrounding uses include offices, marinas, and marine retail. Across N. Northlake Way from the site is the Lake Washington Rowing Club, two paved surface parking areas, and an office building relocated in 2000 from a nearby site currently occupied by Quadrant Corp. The Burke Gilman Trail runs east-west beside N. 34th St.

The subject site is approximately 29,500 sq.ft., of which only 4,442 sq.ft. is located on dry land. The development also extends into submerged lands, approximately 12,650 sq.ft. administered by and leased from the Washington Department of Natural Resources (DNR).

The development is located in an Urban Stable (US) shoreline environment. The underlying zoning is Commercial 2 with a 30-foot base height limit (C2-30). Surrounding zones are a mix of Commercial 1 and 2 and Industrial Commercial.

Proposal

The applicant proposes to expand the existing nonconforming floating home moorage, establish a caretaker's unit and storage area to be located on dry land, and a second level of accessory parking to be located

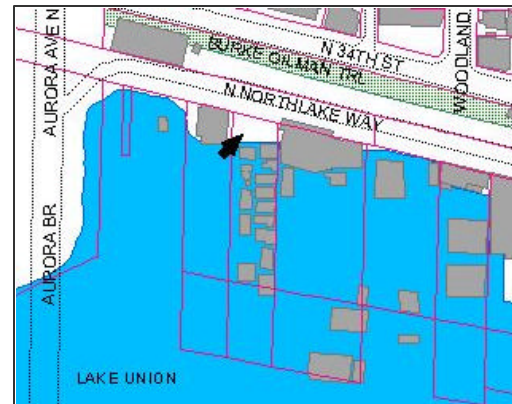


Figure 1. Site and vicinity

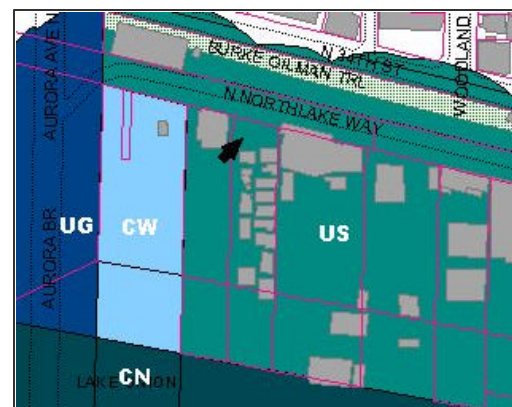


Figure 2. Shoreline environments



Figure 3. Aerial Photo (1999)

partially above water but entirely above the existing parking platform. The new parking level would occur approximately at street level, to be accessed from N. Northlake Wy.

Public Comment

DPD received several letters from houseboat owners on the site and from the property owner to the north. All supported the proposal.

ANALYSIS – SHORELINE SUBSTANTIAL DEVELOPMENT

Section [23.60.030](#) of the Seattle Municipal Code provides criteria for review of a shoreline substantial development permit and reads: *A substantial development permit shall be issued only when the development proposed is consistent with:*

- A. *The policies and procedures of Chapter [90.58](#) RCW;*
- B. *The regulations of this chapter; and*
- C. *The provisions of Chapter [173-27](#) WAC*

Conditions may be attached to the approval of a permit as necessary to assure consistency of the proposed development with the Seattle Shoreline Master Program and the Shoreline Management Act.

RCW Policies and WAC provisions. Chapter [90.58](#) RCW is known as the Shoreline Management Act of 1971. It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy seeks to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary incidental rights. Permitted uses in the shorelines shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water. The proposed improvements generally would not adversely impact the state-wide interest of protecting the resources and ecology of the shoreline, and the improvements seek to provide for the continued operation of a facility that is dependent upon its location in a shoreline of the state. The subject application is consistent with the procedures outlined in RCW [90.58](#).

The Shoreline Management Act provides definitions and concepts, and gives primary responsibility for initiating and administering the regulatory program of the Act to local governments. The Department of Ecology is to primarily act in a supportive and review capacity, with primary emphasis on ensuring compliance with the policy and provisions of the Act. As a result of this Act, the City of Seattle adopted a local shoreline master program, codified in the Seattle Municipal Code at Chapter [23.60](#),

that also incorporates the provisions of Chapter [173-27](#), WAC. [Title 23](#) of the Municipal Code is also referred to as the Land Use and Zoning Code. Development on the shorelines of the state is not to be undertaken unless it is consistent with the policies and provisions of the Act, and with the local master program. The Act sets out procedures, such as public notice and appeal requirements, and penalties for violating its provisions which have also been set forth in the Land Use Code.

In evaluating requests for substantial development permits, the Director must determine that a proposed use meets the relevant criteria set forth in the Land Use Code. Section [23.60.004](#) states that the Shoreline Goals and Policies, which are part of the Seattle [Comprehensive Plan](#), and the purpose and locational criteria for each shoreline environment must be considered. A proposal must be consistent with the general development standards of section [23.60.152](#), the specific standards of the shoreline environment and underlying zoning designation, any applicable special approval criteria, and the development standards for specific uses.

Proposed uses. The existing development and proposed project are located on property classified as a waterfront lot (SMC [23.60.924](#)) and are located within an Urban Stable (US) shoreline environment.

Caretaker's quarters. The proposed caretaker's unit would be accessory to an existing commercial boat moorage. DPD considers such a caretaker's unit to be "clearly incidental and necessary for the operation of a permitted principal use", as required by [23.60.092 B](#). A caretaker would provide maintenance functions and assist in the operation of the commercial moorage, including slip rentals. A caretaker would also maintain security at the site, including maintenance during rough weather. As such, the caretaker's unit is a permitted accessory use in the US shoreline environment and the underlying C2 zone.

Storage. The proposed storage and parking are proposed to be accessory to both the floating home moorage and the commercial boat moorage. As water-related storage is a principal use permitted outright in the US shoreline environment and the underlying C2 zone, storage accessory to a water-dependent use is also permitted outright, per SMC [23.60.092 A](#).

Parking. Parking is a prohibited principal use on waterfront lots in the US environment. Floating home moorages are allowed in this environment as a Shoreline Conditional Use (CU). As an expansion to the floating home moorage, accessory parking is permitted in the US shoreline environment and the underlying C2 zone through Shoreline CU review, subject to provisions in SMC [23.60.604 A3](#) and [23.60.092 B](#). SMC [23.60.092 D](#) further states "*Parking shall not be permitted over water unless it is accessory to a water-dependent or water-related use located on a lot with a depth of less than fifty (50) feet of dry land and the Director determines that adequate on-site or off-site dry land parking within eight hundred (800) feet is not reasonably available.*"

DPD concurs *in part* with the applicant's rationale that accessory parking is "clearly incidental and necessary for the operation of a permitted principal use" on the site. Some parking is certainly incidental to both a commercial moorage use and to floating homes. Analysis of "incidental and necessary" ([23.60.092 B](#)) relates to demand and supply of parking on the site and in the vicinity, as discussed below. DPD also concurs that the proposed over-water parking would be accessory to water-

dependent uses, and that the site contains less than 50' of dry land, applying the measurement described in SMC [23.60.956](#). However, DPD has determined that ample parking is available within 800 feet of the site.

The applicant commissioned a parking analysis, dated September 20, 2004, conducted by Heffron Transportation, Inc. The analysis concludes that peak parking demand on the site ranges from 20 to 31 vehicles on weekdays, to 33 or 34 vehicles on weekends.

There are ten (10) formally established parking spaces on the existing parking deck, permitted by MUP #8502814. Current striping of the parking deck provides for 15 spaces, of which five (5) are posted as reserved on weekdays for the adjacent offices.

On-street parking is most appropriately considered along N. Northlake Way, between the Aurora Bridge and Stone Way N, encompassing about 85 free unrestricted and restricted parking spaces. On-street parking within walking distance of the site does exist beyond this frontage, but it is verifiably in high demand by residents, workers, and visitors to Fremont. According to the parking study, on-street parking is tightest on N. Northlake Way at midday on weekdays. During this timeframe, 2-3 parking spaces were generally available on the street. On weeknights, available on-street parking averaged 13 spaces, and on weekends, 22 free spaces. These figures include the current demand for parking generated by the existing development, and are borne out by periodic site visits by DPD staff.

Since parking demand from the floating homes and commercial moorage exceeds on-site parking supply, the existing development generates spillover parking. Considering peak demand figures above, existing on-site supply and current cooperative parking arrangements with the adjacent property owner, peak-hour demand for off-site parking should be about 10-11 vehicles at peak hours on weekdays, and 18-19 vehicles on weekends. Most or all of this spillover is presumably already a factor in the utilization figures presented by the Heffron analysis. Existing on-street supply of free parking appears to be addressing spillover demand, particularly on weekday evenings and weekends. It's reasonable to assume that weekday peak demand for on-street parking on N. Northlake Way is essentially saturated, and that some spillover must look elsewhere for parking spaces.

On the north side of N. Northlake Way, there are two surface parking lots on either side of an office structure, administered by a pay parking franchise, both within a maximum 600' walk of the site. The smaller western lot accommodates about 24 vehicles, and the larger eastern lot accommodates about 80.

In its analysis of available parking supply, the Heffron study focuses exclusively on on-street parking and does not include information regarding parking on other nearby sites. The applicant provided a letter from the owner of various nearby parcels, including the above lots, indicating that covenanted parking meeting the provisions of SMC [23.54.025](#) is not available. While DPD does recognize covenanted parking as a feasible means for securing off-site parking that is specifically accessory to a particular site and use, the criterion does not specify that such offsite parking must be covenanted. SMC [23.60.092](#) [D](#) directs the Department to consider available off-site dry-land parking in the vicinity.

DPD staff have noted in periodic site visits that ample pay-per-use parking is consistently available, particularly on the larger eastern lot. During evenings and weekends, both lots are often all but empty. The western lot is also generally underutilized, though it is likely to be the first to fill during peak hours or special events at the Rowing Club. DPD has verified with the parking administrator that the larger western lot “never gets more than about 75% full”, indicating that more than 20 additional pay-spaces are always available. In those instances when parking is unavailable on the site or on the street, it is therefore available in close proximity to the site on a short term or long term basis, at reasonable rates.

The proposed caretaker’s unit would typically require one (1) additional parking space, per SMC [23.54.015](#). DPD may waive the requirement, per SMC [23.60.156](#), given that the section’s stated conditions appear to be met. That is, “parking to serve the proposed uses is available within eight hundred (800) feet of the proposed development and ... pedestrian facilities are provided”.

Considering the current availability of on-site parking, free on-street parking, and pay parking in the vicinity, DPD determines that an adequate parking supply exists to preclude further construction of accessory parking over water. In applying SMC [23.60.092 D](#), DPD therefore cannot approve the proposed parking deck above water.

SMC 23.60.004 - Shoreline Policies. All discretionary decisions in the shoreline district require consideration of the Shoreline Goals and Policies, which are part of the Seattle Comprehensive Plan’s [Land Use Element](#) and [Policies](#) and consideration of the purpose and locational criteria for each shoreline environment designation contained in SMC [23.60.220](#). The policies support and encourage the continuance of water dependent uses existing on the site, depending upon the purpose of the shoreline environment.

SMC 23.60.152 – Development Standards for all Environments. These general standards apply to all uses in the shoreline environments. They require that design and construction of all uses be conducted in an environmentally sound manner, consistent with the Shoreline Management Program and with best management practices for the specific use or activity. All shoreline development and uses must:

- 1) minimize adverse impacts and protect fish and wildlife habitat conservation areas;
- 2) minimize and control any increases in surface water runoff so that receiving water quality and shore properties are not adversely affected;
- 3) be located, designed, constructed, and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area; and
- 4) be located, constructed, and operated so as not to be a hazard to public health and safety.

The proposed development adheres in part to the general development standards described above. The proposed structure’s increased height, bulk and scale would not likely result in increased over-water shadowing, considering that it would be built entirely above the existing parking deck, and southern solar exposure would cast shadows toward the north, away from the water. There would be

no increase in surface water runoff. Surrounding land and water uses would not likely be affected, and the proposal would not likely constitute a hazard to public health and safety.

Surface runoff volumes would be similar or identical to existing conditions, considering that the proposal involves no new impervious surface. However, the applicant has indicated that runoff from the existing parking and the proposed parking level would continue to drain directly to the lake, possibly involving a marginal net increase in the level of contamination resulting from surface runoff and/or periodic washing of the parking areas.

Plans specify that existing piling may be installed “per plan”. Without the benefit of a structural analysis, it appears that future construction may involve some retrofitting of the piling beneath the existing parking deck in order to accommodate the structural load of the proposed development. The extent of any necessary underwater disturbance is unclear. DPD therefore conditions the project to provide that adverse effects of any above-water or underwater construction activities are adequately mitigated.

View corridor. The project is subject to view corridor requirements, SMC [23.60.162](#), [23.60.636](#), and [23.60.954](#). Plans show the proposed second parking level located in the existing nonconforming view corridor, which is oriented north-south on the west side of the site.

The applicant notes that a previous permit #[642158](#), issued in 1989, identified the view corridor to be on the east side of the lot. From at least that time through to the present, a two-story floating home adjacent to the parking deck has entirely obstructed the proposed view corridor. The applicant submits that the permitted view corridor would be more conforming if it were located along the site’s west side, where it would overlook the proposed second parking level. The applicant further states that views to the water would be further enhanced by a relocated public access pathway along the west edge of the proposed second level parking deck.

DPD submits that the cited permit was never built as proposed. Considering the existing site as it is developed, the most conforming view corridor currently exists along the west side. The proposed second parking level would largely obscure views to the water as seen from the adjacent sidewalk. Photos from DPD site visits and the applicant’s submitted photo montage bear this out, despite applicant contention that an existing trellis currently obscures such views. It does not appear that “the slope of the lot permits full, unobstructed view of the water over the [proposed] structures”, so the exception in SMC [23.60.162 B2](#) would not apply.

As the proposed structure would increase the site’s nonconformity with regard to the view corridor requirement, DPD cannot permit the project as proposed without the benefit of a shoreline variance.

The proposal is subject to a Hydraulics Project Approval (HPA) permit from the Washington State Department of Fisheries, and likely also requires review by the Army Corps of Engineers.

Conclusion

SMC Section [23.60.064 E](#) provides authority for conditioning of shoreline substantial development permits as necessary to carry out the spirit and purpose of and assure compliance with the Seattle Shoreline Code, Chapter [23.60](#), and with RCW [90.58.020](#) (State policy and legislative findings).

WAC [173-27](#) establishes basic rules for the permit system to be adopted by local governments, pursuant to the language of RCW [90.58](#). It provides the framework for permits to be administered by local governments, including time requirements of permits, revisions to permits, notice of application, formats for permits, and provisions for review by the state's Department of Ecology (DOE). As the Seattle Shoreline Master Program has been approved by DOE, consistency with the criteria and procedures of SMC Chapter [23.60](#) is also consistency with WAC [173-27](#) and RCW [90.58](#).

As discussed above, the proposal is inconsistent with the criteria for a shoreline substantial development permit and may not be approved. Should the Director's decision be reversed on appeal, DPD further conditions the project to provide for such a contingency to carry out the spirit and purpose of, and assure compliance with, the Seattle Shoreline Code.

DECISION – SHORELINE SUBSTANTIAL DEVELOPMENT

DPD **DENIES** the Shoreline Substantial Development component of the Master Use Permit. Should the Director's decision be reversed on appeal, the project is subject to the shoreline conditions listed at the end of this report.

ANALYSIS – SHORELINE CONDITIONAL USE

As an expansion to the existing floating home moorage, accessory parking is permitted in the US shoreline environment and the underlying C2 zone through Shoreline Conditional Use review, subject to provisions in SMC [23.60.604 A3](#) and [23.60.092 B](#).

Recognizing that much of the proposed parking is located above water and therefore subject to conditions in SMC [23.60.092 D](#) (discussed on page on page 4 above), DPD has concluded that accessory parking is not permissible as currently proposed on this site. The issue lies with development standards, and by extension with the criteria for the shoreline substantial development permit. The proposed use could otherwise be evaluated pursuant to shoreline conditional use criteria, discussed below.

SMC [23.60.092 B](#) states: *“Uses prohibited as principal uses but customarily incidental to a use permitted in a shoreline environment may be permitted as accessory uses only if clearly incidental and necessary for the operation of a permitted principal use unless expressly permitted or prohibited as accessory uses. Examples of accessory uses include parking Principal use*

parking is prohibited on waterfront lots in the US shoreline environment. The Code expressly identifies accessory parking as a use potentially permissible under this provision, and DPD agrees that parking is customarily incidental to a floating home moorage and commercial boat moorage. However, considering the analysis on page 4 above, DPD does not agree that the proposed parking is *necessary* for the operation of permitted principal uses on this site. DPD therefore concludes that additional accessory parking is not permissible on this site.

Additional parking would constitute an expansion of the floating home moorage, subject to criteria discussed in SMC [23.60.604](#). While recognizing that the criteria do apply, DPD notes that the criteria appear to be focused primarily on expanded floating home moorages rather than for upland structures accessory to such moorages.

The following uses may be authorized on waterfront lots in the US Environment by the Director, with the concurrence of the Department of Ecology, as either principal or accessory uses if the criteria for conditional uses in WAC [173-27-160](#) are satisfied.

A3. Floating home moorages in Lake Union or Portage Bay when:

- a. After considering the nature and condition of nearby structures and uses the Director determines that the immediate environs are not incompatible with residential use,*
- b. The residential use will not usurp land better suited to water-dependent, water-related or associated industrial or commercial uses,*
- c. The structural bulk of the floating home development will not adversely affect surrounding development, and*
- d. When the floating home development is buffered by distance, screening or an existing recreational marina from adjacent nonresidential uses and vacant lots;*

DPD finds that the floating home moorage has existed on this site for several decades and appears to coexist well with users of neighboring properties.

Expansion of the existing parking level to accommodate more parking may in fact occupy space that could otherwise accommodate a water-dependent industrial or commercial use on the site, especially considering the various water-dependent uses that surround the site and that a commercial moorage exists on this site.

While the project's available building area is relatively small, the proposed development does affect the required view corridor. As such, the building bulk would constitute an adverse impact on the surrounding area.

Buffering from nonresidential uses by existing recreational marinas is present, but its extent is unclear.

Washington Administrative Code (WAC) [173-27-160](#) states, in part:

(1) Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates all of the following:

(a) That the proposed use is consistent with the policies of RCW [90.58.020](#) and the master program;

(b) That the proposed use will not interfere with the normal public use of public shorelines;

(c) That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;

(d) That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and

(e) That the public interest suffers no substantial detrimental effect.

(2) In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

As discussed above, DPD has determined that the design of the project is inconsistent with the shoreline master program, considering its intrusion into required view corridors, its location of parking above water, and the availability of alternative parking in the vicinity, which suggests that additional parking is not required on the site. DPD recognizes that the proposed project would not likely affect public use of public shorelines. Considering analysis on page 4 above, DPD concludes that the proposed accessory parking is inconsistent with the policies of the master program, and by extension is inconsistent with RCW [90.58.020](#).

Over-water parking is relatively unusual along North Northlake Way. The current parking level is a partial buildout of a project that involved a different program and different permitting criteria. However, the physical conditions exhibited by this site are relatively common – limited upland area, a mix of various uses occupying relatively low structures. Considered cumulatively, it's reasonable to conclude that widespread provision of two-story parking structures over water in this environment would be inconsistent with shoreline policies.

From the above analysis, it appears that the proposed parking accessory to an existing floating home moorage is inconsistent with key provisions of SMC [23.60.604](#) and [173-27-160](#).

DECISION – SHORELINE CONDITIONAL USE

DPD **DENIES** the Shoreline Conditional Use component of the Master Use Permit.

ANALYSIS – STATE ENVIRONMENTAL POLICY ACT (SEPA)

The initial disclosure of the potential impacts from this project was made in the environmental checklist and threshold determination (dated April 15, 2004) submitted by the applicant. The information in the checklist, construction plans, the supplemental information submitted by the applicant, and the experience of the Department with the review of similar projects form the basis for this analysis and decision.

Short Term Impacts

Construction activities could result in the following adverse impacts: emissions from construction machinery and vehicles; increased noise levels; occasional disruption of adjacent vehicular traffic, and small increase in traffic and parking impacts due to construction workers' vehicles. All of these impacts are minor in scope and of short duration. Several construction-related impacts are mitigated by existing City codes and ordinances (such as the Street Use ordinance and mitigating measures described above pursuant to the Shoreline Master Program) applicable to the project. The proposal site is located in a relatively intensive commercial area, in close proximity to principal arterials and heavy noise generators. Existing residences in the area are principally tenants of Lee's Moorage, and are therefore clients able to exert some influence over construction scheduling. Although construction activities are likely to generate additional noise, such noise impacts would be sufficiently mitigated by the Noise Ordinance and no other measures or conditions are warranted.

Presumably construction vehicles would deliver and haul materials and supplies, accessing the site from the adjacent right of way. Some construction materials may be delivered by barge. While worker parking and delivery of construction materials is likely to create short-term disruption of parking in the adjacent right of way, such impacts would occur primarily during the day, and they would be largely regulated by temporary street use permits. Privately owned pay parking in the immediate vicinity is adequate to absorb the short-term construction-related parking demand.

Water quality. Submitted plans indicate that the project involves installation of new over-water structures, as well as possibly new in-water structures in the form of new piling. Water quality may be impacted in the project area. Use of Best Management Practices ("BMPs") is likely to reduce impacts as necessary. BMPs included as conditions of this project are:

- Installation of a silt curtain/sediment control fence at the edge of the parking level and filter fabric over existing drainage intakes to minimize the amount of sediment introduced to Lake Union.
- Surround construction debris with the appropriate containment material so that construction debris does not enter the water.
- Dispose of all construction debris in an appropriate upland facility.
- Develop a spill prevention control and containment plan and ensure that an emergency spill-containment kit is kept at the site and is easily accessible in the event of a toxic spill of any hydraulic fluid or other petroleum products.

Additionally, to minimize construction impacts, the requirements of the US Army Corps of Engineers permit will be conditions of this permit. These requirements shall be included on the building plan set submitted for this project.

Long Term impacts

View obstruction. SEPA Policy SMC [25.05.675 P2a\(i\)](#) states in part: *It is the City's policy to protect public views of significant natural and human-made features: [such as] ... major bodies of water including ... Lake Union ... from public places consisting of the specified ... scenic routes ... identified in Attachment 1.* The referenced attachment identifies N. Northlake Way and N. 34th St. as SEPA view corridors. The site intersects with views to Lake Union from both rights of way.

The N. 34th St. corridor is somewhat removed from the site, as about 140 feet separate the outer edge of the south sidewalk from the site's north property line. This sidewalk is also about two stories (18') above the subject site. As proposed, the proposal would affect views from the sidewalk to the water, boats, and floating homes of Lake Union. For such a narrow site, this view impact would be perceptible but not particularly significant.

N. Northlake Way is directly adjacent to the site, and the south sidewalk abuts the north property line. Seen from this sidewalk, the proposed structure would have a much more pronounced effect on views to the water and its activities. View studies prepared by the applicant support this conclusion. DPD considers compliance with the required shoreline view corridor, discussed above, to be sufficient mitigation for the likely impact on public views across the site from N. Northlake Way. DPD therefore conditions the project to require that any development permitted on the site maintain the existing nonconforming view corridor located on the site's west side.

Plants and Animals. Chinook salmon are known to inhabit Lake Union, including the proposed project area, and are a species listed as threatened under the Endangered Species Act (ESA) in March 1999. Under the City of Seattle's Environmental Policies and Procedures [25.05.675 N2](#), it states in part: *A high priority shall also be given to meeting the needs of state and federal threatened, endangered, and sensitive species of both plants and animals.*

This project is proposed to occur in the near shore environment of Lake Union, which is habitat of chinook salmon. The project site likely serves as a migration corridor and a rearing area for juvenile chinook salmon from the Cedar River and other water bodies in Water Resource Inventory Area 8. Additionally, predators of juvenile chinook are known to inhabit areas under pier structures and may use these areas as cover while preying on juvenile chinook. Small mouth bass, an introduced predator of juvenile chinook, also use the base of pilings under pier structures as nesting sites. Should the project ultimately be permitted as proposed, total over water coverage on the project site would not change, but plans refer to new piling that may be required to support the proposed addition to the parking deck.

Clearly identified impacts include installation of piling which constitutes an increase in habitat for introduced predator species of juvenile chinook. Should the project be permitted as proposed, DPD conditions the project to eliminate comparable habitat for such predator species in the near vicinity of

the project site. Such measures may be negotiated and agreed upon with the assigned land use planner prior to issuance of a construction permit.

Environmental Health. SEPA Policy [25.05.675 F](#) provides the authority to mitigate impacts resulting from toxic or hazardous materials and transmissions. The location of the subject project is on the water's edge fronting on Lake Union. As proposed, surface runoff from the parking levels would drain to the lake. DPD conditions the project to provide a spill prevention and control plan, to be submitted with the building permit. Proper conditioning is also warranted to ensure that responsible parties implement and use the plan.

DECISION – SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW [43.21C](#)), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW [43.21C.030\(2\)\(C\)](#).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW [43.21C.030\(2\)\(C\)](#).

CONDITIONS – SHORELINE SUBSTANTIAL DEVELOPMENT

Prior to issuance of any permit to demolish or construct

1. The requirements of the US Army Corps of Engineers and the Washington State Department of Fisheries permits will be conditions of this permit. These requirements shall be included on the building plan set submitted for this project.
2. The applicant shall update plans to incorporate Best Management Practices acceptable to the assigned land use planner, including but not limited to the following:
 - a. install and maintain a silt curtain/sediment control fence at the edge of the parking level and filter fabric over existing drainage intakes to minimize the amount of sediment introduced to Lake Union,
 - b. surround any stockpiled construction debris with appropriate containment material, such that construction debris does not enter the water,
 - c. dispose of all construction debris in an appropriate upland facility, and

- d. implement the spill prevention control and containment plan and ensure that an emergency spill-containment kit is kept at the site and is easily accessible in the event of a toxic spill of any hydraulic fluid or other petroleum products.

Prior to and during construction

3. The owner(s) and/or responsible party(ies) shall implement the program of Best Management Practices identified in condition #2.

CONDITIONS – SHORELINE CONDITIONAL USE

None.

CONDITIONS – SEPA

Prior to issuance of any permit to demolish or construct

4. The applicant shall update plans to provide views to the water from N. Northlake Way in accordance with current standards for shoreline view corridors. The existing view corridor along the west side of the site is nonconforming, and the proposed project should not increase the existing nonconformity.
5. The applicant shall update plans to show a stormwater collection system, acceptable to the assigned DPD Land Use Planner, that separates oil and other petrochemicals from the site stormwater runoff before the runoff is discharged from the site.
6. Considering that the proposal includes new piling to be located under the existing deck, the applicant shall update plans to eliminate comparable habitat for predator species of chinook salmon in the near vicinity of the project site, subject to approval by the assigned DPD land use planner.
7. A spill prevention and control plan shall be prepared and submitted to the assigned Land Use Planner – Scott Ringgold, (206) 233-3856, or Maggie Glowacki, (206) 386-4036. This plan shall include measures that will ensure that no hazardous or toxic materials are introduced into the environment during construction and during normal operation of the marina. This plan shall be added to the plan set prior to final approval. Having a spill protection and control kit on site shall be part of the plan and at least three (3) residents and/or employees shall be properly trained in using the spill protection kit.
8. The approved spill prevention and control plan as well as the Best Management Practice Plan shall be included with the building permit plan set.

During Construction

8. The program of BMPs identified in condition 2 shall be employed to prevent deleterious material from entering Lake Union during construction.
9. Any debris that enters the water during construction shall be collected and disposed of at the appropriate upland facility. If heavy (sinking) debris enters the water during the proposed work, the owner(s) and/or responsible party(ies) shall document the location of this debris in a log to be kept at site for the duration of the project. Upon completion of the project, a diver shall retrieve the sunken debris, and this material shall be disposed of at an appropriate upland facility.

For the life of the project

10. The spill prevention kit shall be located on site and at least three (3) residents or employees shall be properly trained in using the spill protection kit.
11. The owner(s) and/or responsible party(ies) shall maintain the stormwater collection system that separates and collects oil and other petrochemicals from the site's stormwater runoff.

Signature: _____ (signature on file) Date: _____ June 16, 2005

Scott Ringgold, Land Use Planner
Department of Planning and Development